

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.597 of 2015**

1. Raju Shrivastava S/o Lakhan Lal Aged About 42 years
2. Dipak Shrivastava S/o Ishwari Lal Aged About 20 Years

Both are R/o Rajmahal Chowk, Behind The Temple Of Maa Satbahaniya, Kawardha, Police Station & Tahsil Kawardha, Civil And Rev. Distt. Kabirdham Chhattisgarh.

3. Vikas @ Vicky Shrivastava S/o Puran Lal Aged About 21 Years R/o Chandani Chowk, Sahaspur Lohara, Police Station & Tah. Sahaspur Lohara, Civil And Rev. Distt. Kabirdham Chhattisgarh.
4. Annu Shrivastava S/o Lakhan Lal Aged About 32 Years
5. Smt. Devarshi Shrivastava W/o Annu Shrivastava Aged About 24 Years

Applicants No.4 & 5 are R/o Rajmahal Chowk, Behind The Temple Of Maa Satbahaniya, Kawardha, Police Station & Tah. Kawardha, Civil And Rev. Distt. Kabirdham Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through District Magistrate/station House Officer, Police Station Kawardha, District Kabirdham Chhattisgarh.

---- Respondent

For Applicants	:	Shri Dharmesh Shrivastava, Advocate
For Respondent/State:	:	Ms. Sunita Jain, Panel Lawyer

Order On Board**24/07/2015**

The applicants have preferred this application under Section 438 of Cr.P.C., apprehending their arrest in connection with Crime No.176/2015, registered at Police Station–Kawardha, District Kabirdham for alleged commission of offence under Sections 306/34 of IPC.

2. Case of the prosecution is that suspecting illicit relationship between wife of Annu Shrivastava with the deceased Rajesh Rajput, the applicants-accused, who are family members of Annu Shrivastava and his wife Smt. Devarshi, were having dispute

with the deceased on 18-02-2015, at about 9-10 PM in the night, these applicants arrived at the house of the deceased threatening him to assault. At that time, Guddu @ Shafiq Khan, friend of the deceased arrived upon call made by the wife of the deceased and then he sought to pacify the applicants. It is said that thereafter, he took the deceased away from the spot but after some time the deceased is alleged to have committed suicide by consuming poison. It is, therefore, alleged that the applicants abetted commission of suicide.

3. Learned counsel for the applicant submits that even if the entire case of prosecution is taken on its face value, none of the ingredients of abetment as defined under Section 107 of IPC are made out. He submits that merely because the deceased committed suicide either because of an affair or because of guilty conscious, it cannot be said to be a case of abetment.

4. On the other hand, learned State counsel opposed the prayer for grant of bail by submitting that it was because of the threat given by the applicants to the deceased, he had committed suicide, therefore, it would be a case of instigation of commission of suicide.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the background of dispute that the applicants are alleged to have come to the house of the deceased in agitated mind and disputing illicit relationship between wife of Annu Shrivastava and the deceased and thereafter it is said that the deceased went along with his friend and committed suicide, the application is allowed.

6. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail on each of them furnishing a personal bond for a sum of Rs.20,000/ with one local surety in the like sum to the satisfaction of the arresting officer, on the following conditions that:

- (i) they shall make themselves available for interrogation by a police officer as and when required;
- (ii) they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the

case so as to dissuade him from disclosing such facts to the Court or to any police officer, *and*

(iii) they shall cooperate with the investigation as and when they are called.

Sd/-
Manindra Mohan Shrivastava
Judge

Tumane